

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER CORTEZ MORALES,

Defendant and Appellant.

G045793

(Super. Ct. No. 10CF3178)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Robert R. Fitzgerald, Judge. (Retired judge of the Orange Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Patrick E. DuNah, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

\*

\*

\*

Defendant Christopher Cortez Morales was charged with two counts of committing a lewd act on a child under age 14 (Pen. Code,<sup>1</sup> § 288, subd. (a), counts one and three) and one count of continuous sexual abuse (§ 288.5, subd. (a), count two). The information also alleged that each count included substantial sexual contact with a child. (§ 1203.066, subd. (a)(8)).

Pursuant to a plea bargain, defendant pleaded guilty and admitted each allegation in return for a stipulated sentence of 10 years. The factual basis of the plea is reflected in defendant's written statement on a form entitled "Advisement and Waiver of Rights for a Felony Guilty Plea," but commonly referred to as a *Tahl* form (see *In re Tahl* (1969) 1 Cal.3d 122, 132).

Defendant stated: "In Orange County, California, on and between 11/1/03 and 11/30/05, and then again on and between 4/1/10 and 5/31/10, I willfully, lewdly and unlawfully committed a lewd and lascivious act upon the body of Jane Doe with the intent of arousing, appealing to, and gratifying my lust, passions and sexual desires. Both of these acts involved substantial sexual conduct as defined in PC 1203.066(a)(8). On and between 11/1/06 and 3/31/10, during which time I resided in the same house as Jane Doe, I unlawfully engaged in three or more acts of lewd and lascivious conduct with Jane Doe, including an act that involved substantial sexual conduct as defined in PC 1203.066(a)(8). All of the conduct described in this factual basis occurred when Jane Doe was under 14 years of age."

The *Tahl* form included a lengthy series of disclosures, including the rights to an attorney, a jury trial, and to avoid self-incrimination, each of which defendant initialed that he had read and understood. Defendant also initialed the following statement: "I offer my plea of guilty freely and voluntarily, and with full understanding of all matters set forth in the accusatory pleading and this advisement and waiver of

---

<sup>1</sup> Subsequent statutory references are to the Penal Code.

rights form. No one has made any threats or used any force against me, my family, or anyone else I know, in order to convince me to plead guilty in this case. Further, all promises that have been made to me to convince me to plead guilty are on this advisement and waiver of rights form.”

The form also disclosed to defendant the immigration consequences of pleading guilty and that the court would require him to register as a sex offender. Defendant signed the form under penalty of perjury, claiming he had read and understood each of the rights explained on the form, and because he was “in fact guilty and for no other reason.” He also waived his right to appeal from any sentence within the terms of the plea agreement.

After an inquiry on the record, the court found defendant freely, knowingly, intelligently, and voluntarily waived his constitutional rights, and further found a factual basis for the guilty plea. Defendant was sentenced to six years on count two, and two years each on counts one and three, with appropriate credits for time in custody. A restitution fine of \$200 (§ 1202.4) and other fees were imposed, and a parole revocation fine of \$200 was imposed but stayed (§ 1202.45). Defendant was also ordered to register as a sex offender.

Defendant filed a notice of appeal, but did not seek a certificate of probable cause. We appointed counsel to represent him, and counsel filed a brief which set forth the facts of the case. Counsel did not argue against the client, but advised the court no issues were found to argue on defendant’s behalf. Defendant was given 30 days to file written argument on his own behalf. That period has passed, and we have received no communication from defendant.

We examine the entire record ourselves to see if any arguable issue is present. (*People v. Wende* (1979) 25 Cal.3d 436.) “Issues concerning the defendant’s guilt or innocence are not cognizable on appeal from a guilty plea. [Citations.] By admitting guilt a defendant waives an appellate challenge to the sufficiency of the

evidence of guilt. [Citations.]” (*People v. Voit* (2011) 200 Cal.App.4th 1353, 1364.) Further, without a certificate of probable cause, defendant cannot challenge the validity of his plea on “constitutional, jurisdictional, or other grounds going to the legality of the proceedings.” (§ 1237.5; see also *People v. Mendez* (1999) 19 Cal.4th 1084, 1088.) No search and seizure issues were apparent in the record, nor were any postplea issues that may be raised without a certificate of probable cause. (See *People v. Panizzon* (1996) 13 Cal.4th 68, 74.)

We have reviewed the plea itself and find nothing deficient. Defendant admitted he committed the charged crimes and provided details in the factual basis for the plea. He waived his rights both orally and in writing. The record does not indicate any deficiency in his representation by counsel. We therefore agree with defendant’s counsel that no legal issues are present that could undermine defendant’s guilty plea.

Accordingly, the judgment is affirmed.

MOORE, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

FYBEL, J.